

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK  
BRITTAIN J. PURCELLE,**

**Plaintiff,**

**9:18-cv-77  
(GLS/TWD)**

**v.**

**JOHN THOMAS et al.**

**Defendants.**

**APPEARANCES:**

**OF COUNSEL:**

**FOR PLAINTIFF:**

Brittain J. Purcelle  
Pro Se  
14-B-0600  
Clinton Correctional Facility  
P.O. Box 2001  
Dannemora, NY 12929

**FOR DEFENDANTS:**

HON. LETITIA JAMES  
New York State Attorney General  
300 South State Street, Suite 300  
Syracuse, NY 13202

WILLIAM E. ARNOLD, IV  
Assistant Attorney General

**Gary L. Sharpe  
Senior District Judge**

**ORDER**

The above-captioned matter comes to this court following an Order and Report-Recommendation (R&R) by Magistrate Judge Thérèse Wiley

Dancks, duly filed on March 6, 2020. (Dkt. No. 111.) Following fourteen days from the service thereof, the Clerk has sent the file, including any and all objections filed by the parties herein.

No objections<sup>1</sup> having been filed, and the court having reviewed the R&R for clear error, it is hereby

**ORDERED** that the Order and Report-Recommendation (Dkt. No. 111) is **ADOPTED** in its entirety; and it is further

**ORDERED** that defendants' motion for partial summary judgment (Dkt. No. 96) is **GRANTED**; and it is further

**ORDERED** that all claims against Doe defendants are **DISMISSED** **without prejudice**; and it is further

**ORDERED** that all claims against defendants Kooi, Brian Bauersfield, Donald Venetozzi, Nurse A. Hoppins are **DISMISSED**; and it is further

**ORDERED** that only an Eighth Amendment excessive force claim

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<sup>1</sup> On March 6, 2020, the Clerk mailed a copy of the R&R to Purcelle at the address listed on the docket. The Clerk noticed that, in another matter pending in this district, *Purcelle v. Rovelli*, No. 9:19-cv-405 (GLS/ML), the following address was provided in a declaration of service for Purcelle: Volunteers of America, 320 Chenango St., Binghamton, NY 13902. (Dkt. No. 39, No. 9:19-cv-405.) On March 11, 2020, the Clerk provided a copy of the R&R to Purcelle at that address. On March 12, 2020, the copy of the R&R sent to Purcelle's original address was returned with the hand-written notation: "Released." (Dkt. No. 112.) It appears that Purcelle has failed to apprise the court of his address with the filing of a notice of change of address as required by Local Rules 10.1(c)(2) and 41.2(b).

against defendant John Thomas remains; and it is further

**ORDERED** that the Clerk shall **TERMINATE** Kooi, Bauersfield, Venetozzi, Hoppins, and Doe defendants as parties; and it is further

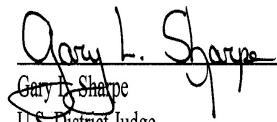
**ORDERED** that plaintiff shall, by April 17, 2020, submit his current address to the court, or verify that his mailing address is as listed in the caption of this order; and it is further

**ORDERED** that, if plaintiff fails to comply, the court will *sua sponte* dismiss this action for failure to notify the court of his address change, failure to prosecute, and failure to comply with this Order; and it is further

**ORDERED** that the Clerk provide a copy of this Order to plaintiff in accordance with the Local Rules of Practice at his address of record and at the alternate address: Volunteers of America, 320 Chenango St., Binghamton, NY 13902.

**IT IS SO ORDERED.**

March 30, 2020  
Albany, New York

  
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Gary L. Sharpe  
U.S. District Judge